

LAKWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

DECEMBER 12, 2013

Council Members:

Mike Schnittker, Mayor
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Clint Bushong
Carl Menckhoff, M.D. – arrived at 8:37
Dave Getka

Town Staff:

Linda Asbell, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Schnittker called the Town Council to order at 7:00 p.m. on Thursday, December 12, 2013, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Schnittker led the Pledge of Allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

Mitch Mathis, Community Waste Disposal, stated that they are a solid waste removal company and they would like an opportunity to provide a bid for services as the Town's contract expires in December 2014. Mr. Mathis talked about CWD's environmentally friendly business and the services they offer.

REGULAR AGENDA:

(Agenda Item C)

Ad Valorem Tax Collection Report

(Agenda Item C.1)

Tax Attorney Mark Burroughs stated that he represents 23 taxing entities and assist in collecting delinquent taxes. Lakewood Village has an excellent collection rate and 100% of property taxes have been paid as of today. Mr. Burroughs stated that tax collection is unusual in that they have

their own set of procedures and laws to follow and reviewed his professional history. Mayor Pro-Tem Vargus asked about tax collection of Public Improvement District and whether or not Mr. Burroughs would be responsible for enforcement of the delinquent taxes. Mr. Burroughs stated that he most likely would be responsible but that would be dependent upon the wording of the ordinance creating the PID. There was some discussion about the collections of delinquencies when multiple entities are owed. There was some discussion on the common characteristics of delinquent tax customers.

Presentation of Audit Findings for 2012-2013; Wayne Nabors, Nabors CPA

(Agenda Item C.2)

Mr. Wayne Nabors reviewed the audit of Fiscal Year 2013. Mr. Nabors reported that General Fund increased this year by nearly \$71,000 with an ending fund balance of \$345,977. Mr. Nabors reported that the town has a current ratio of 302:1 based on current assets and current liabilities. Mr. Nabors reported that there were no findings and only four adjustments that had to be made. Mr. Nabors stated that this is a very good report and a good audit. There was some discussion on the auditing and reporting of the Municipal Development District. There was some discussion about the auditing and reporting of the Economic Development District. Councilman Getka thanked Mr. Nabors for stepping in and assisting the town after incident with the previous auditor. Mayor Pro-Tem Vargus reviewed the 6-year audited financial history report that he distributed.

Consideration of Animal Control Contract

(Agenda Item C.3)

Mr. Bob Matthews of All American Dogs introduced himself. Mr. Matthews reviewed the history of his company which provides both animal control and code enforcement services to 17 municipalities in the area. Mr. Matthews reported that his response time is 30 minutes or less and has an adoption rate of over 90%. There was some discussion on the definition of “no-kill shelter”. Mr. Matthews stated they have the highest adoption rate in the five county area. Mr. Matthews reported that the SPCA recommends a \$7.50/capita/month spend ratio for animal control. Mr. Matthews reported that providing ala cart services is not a sustainable business model and he offers service for an annual fee based on population. He reviewed the typical process for an animal call. There was some discussion about the adoption process. Town Secretary, Linda Asbell, reported on the history of animal control calls in Town.

Consideration of Roof Pitch and Front-Facing Garage Variance Request for 725 Highridge

(Agenda Item C.4)

Mr. Bob Wilcox requested a variance for a home he would like to build on the southwest corner of Woodcrest and Highridge. Mr. Wilcox would like a variance for roof pitch and for a front facing garage. There was some discussion about the roofing materials that would be used. Mayor Schnittker stated that this would be an asset to the town and the placement of the garage is consistent with the homes in the area. There was some discussion on whether to approve the variance based on the submission of a concept drawing as opposed to a site plan.

MOTION: Councilman Getka made a motion to approve the variance for roof pitch of 1/12 and a garage facing Woodcrest for 725 Highridge. *The motion died for lack of a second.*

Council discussed requiring a site plan prior to formal approval of the variance. Council stated to Mr. Wilcox that they support the front-facing garage and roof pitch but they would require a site plan to approve the variance.

**Consideration of Setback Variance Request
for 470 Peninsula for Pool and Arbor**

(Agenda Item C.5)

Mr. Lindley of 470 Peninsula stated that he owns a very small lot and he would like to build a pool and arbor that encroaches somewhat on the side setback requirements. Mayor Pro-Tem Vargus stated that Mr. Lindley must get a permit from the United States Army Corps of Engineers in order to build because it is below the flood plain. There was some discussion about rear set-backs and side set-backs. Mayor Pro-Tem Vargus stated that he would not support a variance on side setback because he does not see a hardship. Mr. Lindley stated that he could make the arbor area smaller however that would impact the usability of the living area. There was some discussion on the impact of allowing a variance on a side. Councilman Guthrie stated that there is no hardship in this case. Councilman Getka stated that the hardship is the width of the lot. There was some discussion about the requirement for a non-residential structure to comply with set-back requirements. There was some discussion about whether or not a variance can be granted in a situation where the property owner is able to comply with the requirements of the ordinance.

MOTION: Councilman Getka made a motion to approve the variance request. Councilman Getka withdrew his motion.

There was some discussion about the hardship aspect of the request and the requirements of the ordinance regarding approval of variance requests.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Menckhoff the Council voted two (2) "ayes", (Councilman Getka and Councilman Menckhoff), and three (3) "nays", (Councilman Guthrie, Councilman

Bushong, and Mayor Pro Tem-Vargus), to approve the variance for 470 Peninsula as presented. *The motion failed.*

Discussion on Concrete Road Design, Freese and Nichols

(Agenda Item C.6)

Jeff Payne, Town Engineer, introduced Dan Prendergast, and Marc Miller of Freese and Nichols

Mr. Prendergast reviewed the project proposal and roadway rehabilitation design. There was some discussion on the possible benefit of bidding as a base bid/alternate bid or as a cost-per-street bid. Mr. Prendergast reviewed the anticipated design/bid/construction schedule. There was some discussion about the soil in Lakewood Village being Eagle Ford Shale and the requirement for more specialized road base to ensure the road does not fail. There was some discussion on coordinating roadwork with the installation of a new water main on Lakecrest. There was some discussion about Freese and Nichols being responsible for providing inspection services during the construction of the roads. There was some discussion on the design of the road and the longevity of the edges of the road with the extended road base versus the curbed roads. There was some discussion about the finish of the road and road noise.

Discussion of Road Financing

(Agenda Item C.7)

Mayor Pro-Tem Vargus reviewed his proposed street phasing and the anticipated costs associated. Councilman Getka proposed considering paving the major thoroughfare roads first and then paving the primarily residential roads in Phase II. There was some discussion on the cost/benefit of the choices for the road selections in each phase. There was some discussion about the financing of debt, spending of some reserve funds, and a limited property tax increase. Council discussed financing and the option to pay off the loan early. Mayor Pro-Tem Vargus stated that the earliest pay-off option is 5 years.

Discussion of Capital Improvement Projects

(Agenda Item C.8)

Mayor Pro-Tem Vargus reviewed the capital improvements and the plan for new fire hydrants and water main on Lakecrest for \$84,000. There was some discussion about bidding requirements for a new waterline on Lakecrest Drive. Mayor Pro-Tem Vargus reviewed the capital improvement projects and clarified that council has already approved the expected expenses for each of those projects.

Consideration of Wastewater Maintenance

Projects

(Agenda Item C.9)

Mayor Schnittker reported that this project is required for correction of TCEQ noted violations and recommendations for repair. There was some discussion on the possibility of the TCEQ requiring engineering on the repairs.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to approve the bid from Patterson Professional Services for rehabilitation work on the sewer plant.
The motion carried.

**Update on the Status of the Utility Billing
Software**

(Agenda Item C.10)

Councilman Guthrie stated that Rocky Point water system has been running in parallel for the last 30 days on both the old billing system and the new MuniBilling system. Councilman Guthrie stated that with this new billing cycle the MuniBilling system bills will be verified, and if correct, they will be mailed to customers. E-billing and credit card payments will also be verified. There was some discussion about the e-billing option. Councilman Guthrie reviewed the status of the Lakewood Village database conversion. Councilman Guthrie stated that as long as no unexpected problems come up he expects to bring a contract for council approval at the January council meeting.

**Consideration of November 14, 2013 Council
Minutes**

(Agenda Item C.11)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Getka the Council voted four (4) “ayes” and no (0) “nays” to approve the minutes as presented. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item D)

At 7:51 p.m. Mayor Schnittker recessed into executive session in compliance with Section 551.087: to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.

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RECONVENE:

(Agenda Item E)

Mayor Schnittker reconvened into the special session at 8:30 p.m.

No action taken

COUNCIL AND STAFF COMMENTS:

(Agenda Item F)

Town Secretary, Linda Asbell, announced that the next concealed handgun class will be held on January 25, 2014 at Town Hall

Town Secretary, Linda Asbell reported that the City of Fate will be holding a council meeting on December 16, 2013 at 6:00 p.m. Several consultants will be attending the meeting to provide education on Public Improvement Districts. Any one interested in learning more about PIDs is welcome to attend.

ADJOURNMENT

(Agenda Item F)

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Guthrie the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lakewood Village Town Council at 10:10 p.m. on Thursday, December 14, 2013. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 24th day of March 2014.

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY